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11 Attorneys for Defendant
TOLL BROTHERS, INC.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 PETER SWALLOW,

17 Plaintiff,

18 vs.

19 TOLL BROTHERS, INC.; AND DOES
20 1-25, INCLUSIVE,

21 Defendants.
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Case No. C08-02311 JCS

**STIPULATION FOR
CONTINUANCE OF INITIAL CASE
MANAGEMENT CONFERENCE
AND MEET AND CONFER
OBLIGATIONS**

Complaint Filed: April 3, 2008
Trial Date: None Set

1 Plaintiff Peter Swallow and Defendant Toll Brothers, Inc., through their
2 respective counsel of record, stipulate as follows:

3 Before expending time and resources litigating in the instant forum, both
4 parties desire an outcome on the pending Motion to Compel Arbitration and to Stay
5 the Proceedings, which will determine the procedural rules applicable to this case.
6 The Motion to Compel Arbitration and to Stay the Proceedings is scheduled to be
7 heard by the Court on September 12, 2008. Therefore, the parties stipulate, and
8 hereby respectfully request the Court to order, as follows:

9 1. That the Initial Case Management Conference be continued from
10 September 12, 2008 to October 24, 2008; and

11 2. That all dates and deadlines running from the Initial Case Management
12 Conference, including, without limitation, the deadlines to comply with Rules 16
13 and 26 of the Federal Rules of Civil Procedure, be continued in accordance with the
14 continued Initial Case Management Conference date, as follows:

15 a. Last day to meet and confer regarding initial disclosures, early
16 settlement, ADR process selection, discovery plan, and file Joint ADR Certification
17 with Stipulation to ADR Process or Notice of Need for ADR Phone Conference be
18 continued to October 3, 2008; and

19 b. Last day to file Rule 26(f) Report, complete initial disclosures or
20 state objection in Rule 26(f) Report and file Case Management Statement be
21 continued to October 17, 2008.

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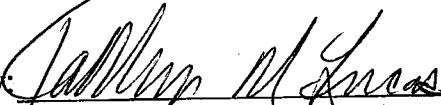
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1 The parties agree that the purpose of this continuance is to await the Court's
2 ruling on the pending Motion to Compel Arbitration and to Stay the Proceedings
3 prior to engaging in federal discovery procedures.
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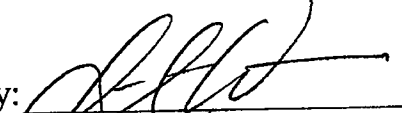
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6 Dated: August 13, 2008

THE LUCAS LAW FIRM

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8 By: 
9 KATHLEEN M. LUCAS
Attorneys for Plaintiff
PETER SWALLOW

10
11 Dated: August 13, 2008

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13
14 By: 
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16 Attorneys for Defendant
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